



Department of Energy
Washington, DC 20585

MAR 18 2019

Mr. Daniel Sherwood
Climate Investigations Center
MuckRock
DEPT MR 42829
411A Highland Avenue
Somerville, MA 02144

Via email: 42829-04628538@requests.muckrock.com

Re: HQ-2017-01748-F

Dear Mr. Sherwood:

This is the final response to the request for information that you sent to the Department of Energy (DOE) under the Freedom of Information Act (FOIA), 5 U.S.C. § 552. You requested the following:

1. Communications, records, or documents exchanged between staff of the Department of Energy (DOE) and Charif Souki, co-founder of Tellurian Incorporated, related to 10 CFR Part 590 “Small-Scale Natural Gas Exports” since January 1, 2017, until present;
2. Communications, records, or documents exchanged between staff of the DOE and Meg Gentle (also referred to as Meghan/Megan Gentle), President and Chief Executive Officer of Tellurian Inc., related to 10 CFR Part 590 “Small-Scale Natural Gas Exports” since January 1, 2017, until present;
3. Communications, records, or documents exchanged between staff of the DOE and Pat Outtrim, Senior Vice President (SVP) Government and Regulatory Affairs of Tellurian Inc., related to 10 CFR Part 590 “Small-Scale Natural Gas Exports” since January 1, 2017, until present;
4. Communications, records, or documents exchanged between staff of the DOE and Joey Mahmoud, SVP Pipeline Development of Tellurian Inc. and President of Driftwood Pipeline LLC, related to 10 CFR Part 590 “Small-Scale Natural Gas Exports” since January 1, 2017, until present;
5. Communications, records, or documents maintained, created, or received by DOE since January 1, 2017, until present containing the following



search terms: “@tellurianinc.com”; “Tellurian”; “Driftwood”; “Driftwood LNG”; and “Calcasieu River”.

Your request was assigned to DOE’s Office of Fossil Energy (FE) to conduct a search of its files for responsive documents. FE started its search on October 13, 2017, which is the cut-off date for responsive documents. FE has completed its search and has identified four (4) documents, consisting of thirty-two (32) pages responsive to your request. These documents are being released to you as described in the accompanying index.

Upon review, DOE has determined that certain information should be withheld in the documents pursuant to Exemptions 5 and 6 of the FOIA, 5 U.S.C. § 552 (b)(5) and (b)(6).

Exemption 5 of the FOIA protects from mandatory disclosure of “inter-agency or intra-agency memoranda or letters that would not be available by law to a party other than an agency in litigation with the agency....” 5 U.S.C. § 552(b)(5). Exemption 5 incorporates the deliberative process privilege which protects recommendations, advice, and opinions that are part of the process by which agency decisions and policies are formulated.

The information withheld under Exemption 5 includes pre-decisional and deliberative comments and assessments. The information is both pre-decisional, because it was developed before the agency adopted a final position, and deliberative, in that it reflects the opinions of individuals who were consulted as part of the decision-making process. DOE may consider these preliminary views as part of the process that will lead to the agency’s final policy decision about these matters. The documents and discussions do not represent a final agency position, and their release would compromise the deliberative process by which the government makes its decisions.

With respect to the discretionary disclosure of deliberative information, the quality of agency decisions would be adversely affected if frank, written discussion of policy matters were inhibited by the knowledge that the content of such discussion might be made public. For this reason, DOE has determined that discretionary disclosure of the deliberative material is not in the public interest because foreseeable harm could result from such disclosure.

Exemption 6 generally is referred to as the “personal privacy” exemption; it provides that the disclosure requirements of FOIA do not apply to “personnel and medical files and similar files the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.” 5 U.S.C. § 552(b)(6). In applying Exemption 6, DOE considered: 1) whether a significant privacy interest would be invaded; 2) whether the release of the information would further the public interest by shedding light on the operations or activities of the Government; and 3) whether in balancing the privacy interests against the public interest, disclosure would constitute a clearly unwarranted invasion of privacy.

The information withheld under Exemption 6 consists of a mobile phone number. This information qualifies as “similar files” because it is information in which an individual has a privacy interest. Moreover, releasing the information could subject the individual to unwarranted or unsolicited communications. Since no public interest would be served by

disclosing this information, and since there is a viable privacy interest that would be threatened by such disclosure, Exemption 6 authorizes withholding the information. Therefore, we have determined that the public interest in the information's release does not outweigh the overriding privacy interests in keeping it confidential, and this information is being withheld under Exemption 6.

This satisfies the standard set forth in the Attorney General's March 19, 2009, memorandum that when a FOIA request is denied, agencies will be defended and justified in not releasing the material on a discretionary basis "if (1) the agency reasonably foresees that disclosure will harm an interest protected by one of the statutory exemptions, or (2) disclosure is prohibited by law." The Attorney General's memorandum also provides that whenever full disclosure of a record is not possible, agencies "must consider whether they can make a partial disclosure." Thus, we have determined that, in certain instances, a partial disclosure is proper. This also satisfies DOE's regulations at 10 C.F.R. § 1004.1 to make records available which it is authorized to withhold under 5 U.S.C. § 552 when it determines that such disclosure is in the public interest. Accordingly, we will not disclose this information.

Pursuant to 10 C.F.R. § 1004.7(b)(2), I am the individual responsible for the determination to withhold the information described above. The FOIA requires that "any reasonably segregable portion of a record shall be provided to any person requesting such record after deletion of the portions which are exempt." 5 U.S.C. § 552(b). As a result, redacted versions of the documents are being released to you in accordance with 10 C.F.R. § 1004.7(b)(3).

This decision, as well as the adequacy of the search, may be appealed within 90 calendar days from your receipt of this letter pursuant to 10 C.F.R. § 1004.8. Appeals should be addressed to Director, Office of Hearings and Appeals, HG-1, L'Enfant Plaza, U.S. Department of Energy, 1000 Independence Avenue, S.W., Washington, D.C. 20585-1615. The written appeal, including the envelope, must clearly indicate that a FOIA appeal is being made. You may also submit your appeal by e-mail to OHA.filings@hq.doe.gov, including the phrase "Freedom of Information Appeal" in the subject line (this is the method preferred by the Office of Hearings and Appeals). The appeal must contain all the elements required by 10 C.F.R. § 1004.8, including a copy of the determination letter. Thereafter, judicial review will be available to you in the Federal District Court either (1) in the district where you reside, (2) where you have your principal place of business, (3) where DOE's records are situated, or (4) in the District of Columbia.

You may contact DOE's FOIA Public Liaison, Alexander Morris, FOIA Officer, Office of Public Information, at 202-586-5955, or by mail at MA-46/Forrestal Building, 1000 Independence Avenue, S.W., Washington, D.C. 20585, for any further assistance and to discuss any aspect of your request. Additionally, you may contact the Office of Government Information Services (OGIS) at the National Archives and Records Administration to inquire about the FOIA mediation services they offer. The contact information for OGIS is as follows: Office of Government Information Services, National Archives and Records Administration, 8601 Adelphi Road-OGIS, College Park, Maryland 20740-6001, e-mail at ogis@nara.gov; telephone at 202-741-5770; toll free at 1-877-684-6448; or facsimile at 202-741-5769.

The FOIA provides for the assessment of fees for the processing of requests. *See* 5 U.S.C. § 552(a)(4)(A)(i); *see also* 10 C.F.R. § 1004.9(a). Your request was placed in the “news media” category for fee purposes. Requesters in this category are charged fees for duplication only and are provided 100 pages at no cost. DOE’s processing costs did not exceed \$15.00, the minimum amount at which DOE assesses fees. Thus, no fees will be charged for processing your request.

If you have any questions about the processing of the request or this letter, please contact me, or Ms. Titilayo Oke, of my office, at:

MA-46/Forrestal Building
1000 Independence Avenue, S.W.
Washington, D.C. 20585
(202) 586-4933

I appreciate the opportunity to assist you with this matter.

Sincerely,



Alexander C. Morris
FOIA Officer
Office of Public Information

Enclosures

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Final response to request from Mr. Daniel Sherwood for the following:

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DOE’s Office of Fossil Energy (FE) has completed its search and has located four (4) documents responsive to your request.

- Two (2) documents *are being released in full.*
- One (1) document *is being withheld in part pursuant to Exemption (b)(5).* Exemption 5 information includes pre-decisional and deliberative comments and assessments.
- One (1) document *is being withheld in part pursuant to Exemption (b)(6).* Exemption 6 information consists of a mobile phone number.